

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:19-cv-00016-MR**

RONALD MCCLARY,

Plaintiff,

vs.

MICHAEL BUTLER,

Defendant.

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ORDER

THIS MATTER is before the Court on Plaintiff's letter [Doc. 42] and Plaintiff's Motion for Default Judgment [Doc. 43].

Plaintiff has previously moved for and been denied appointment of counsel in this matter. [Docs. 9, 10]. Thereafter, Plaintiff moved the Court to reconsider its denial of counsel only as to counsel to aid Plaintiff in conducting discovery. [Doc. 19]. The Court denied Plaintiff's motion to reconsider. [Doc. 20]. Plaintiff now writes the undersigned a letter requesting reconsideration of the appointment of counsel for discovery purposes without "filing a formal motion." [Doc. 42]. Filing letters that are directed to judges of this Court is wholly improper and Plaintiff's letter [Id.] will , therefore, be stricken from the docket in this matter. Any requests for relief must be filed as formal motions containing the case caption. The Court

will not consider letters filed by Plaintiff regardless of the relief they seek. The Court notes that the relief sought in Plaintiff's letter would be denied, in any event, for the same reasons as previously stated by the Court. See Miller v. Simmons, 814 F.2d 962, 966 (4th Cir. 1987). **Absent a substantial change in circumstances, any future motions for appointment of counsel by Plaintiff will be summarily denied.**

Plaintiff also moves for a default judgment against Defendant Butler. [Doc. 43]. This motion will be denied. Plaintiff has amended his Complaint several times in this matter. [See Doc. 1, 31, 37]. On May 26, 2020, the Court ordered that the Clerk of Court commence the procedure for waiver of service of Plaintiff's Second Amended Complaint under Local Civil Rule 4.3 against Defendant Butler. [Doc. 39]. A request for waiver of service was sent to the N.C. Department of Public Safety the same day and Defendant Butler's waiver is due by July 27, 2020. [Doc. 40]. Defendant Butler's answer is not due until after service is effectuated. As such, Plaintiff's motion for default judgment is premature.


ORDER

IT IS THEREFORE ORDERED that Plaintiff's letter [Doc. 42] is hereby **STRICKEN** from the record in this matter.

IT IS FURTHER ORDERED that Plaintiff's Motion for Default Judgment [Doc. 43] is **DENIED**.

IT IS SO ORDERED.

Signed: June 27, 2020



Martin Reidinger
Chief United States District Judge

